REMARKS

Claims 1-20 are pending in the instant application. The pending claims have been subjected to a Restriction Requirement as follows:

Group I, claims 1-11, drawn to an antisense treatment compositions, classified in class 536, subclass 24.5

Group II, claims 12-20, drawn to methods of treatment, classified in class 514, subclass 44.

The Examiner suggests that the Groups represent distinct inventions. Specifically, the Examiner suggests that Group I claims are related to the method claims of Group II as product and process of use. The Examiner further suggests that the product can be used in the treatment method of Group II or in nucleic acid synthesis methods or in methods of measurement of polymerase activity or sensitivity.

Further, the Examiner suggests that the application contains claims directed to patentably distinct species of the claimed invention. It is suggested that two different kinds of Species are claimed. The Examiner has required two separate elections, the first election being a target (H-ras, Ki-ras, or N-ras) and the second election being a chemotherapeutic agent of claim 10. Applicants respectfully traverse this restriction requirement.

MPEP §803 is quite clear; for a proper restriction requirement, it must be shown (1) that the inventions are independent or distinct AND (2) that there would be a serious burden on the Examiner if the restriction is not required. MPEP 802.01 defines "distinct" to mean that the "two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made there, etc., but are capable of separate manufacture, use, or sale, as claimed, AND ARE PATENTABLE (novel and unobvious) OVER EACH OTHER."

All of claims of the instant application relate to the single concept of inhibiting expression of ras, a naturally occurring protein which converts to an activated form that is implicated in tumor formation. Accordingly, each of the claims contain the components for use in the same endpoint, namely inhibition of ras expression. Thus, Applicants respectfully disagree that the Groups set forth by the Examiner are distinct as being novel and unobvious over each other, as required for a proper restriction by MPEP § 802.01.

Further, a search of literature relating to ras inhibition would clearly reveal art relating to both of these Groups. Thus, the inclusion of Groups I and II in this application would not be

overly burdensome to the Examiner. Accordingly, the instant Restriction Requirement meets neither of the criteria as set forth by MPEP §803 to be proper. Reconsideration and withdrawal of this Restriction Requirement is therefore respectfully requested.

However, in an earnest effort to be completely responsive, Applicants elect Group II, claims 12-20, with traverse. In response to the election of species requirement Applicants elect H-ras (election I) and gemcitabine (election II), with traverse.

Respectfully submitted,

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